

## REMARKS

No claims have been amended, no claims have been canceled, new claims 22-39 have been added; and, thus, in view of the foregoing claims 3, 4, 8, 9, 11, 12, 15, 16 and 19-39 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

### **Rejection under 35 U.S.C. § 102**

The Office Action, on page 3, rejected claim 19 under 35 U.S.C. § 102(e) as being anticipated by Pierre-Louis (U.S. Patent No. 6,421,777, hereinafter "PL").

Claim 19 recites "preparing, at said server, a plurality of kinds of data as backup data" and "selecting one of the plurality of kinds of data to be installed in the client" (claim 19, lines 3-4). Therefore, it is submitted that claim 19 is patentable over PL for reasons similar to those discussed below with respect to claim 3.

Accordingly, withdrawal of the rejection is respectfully requested.

### **Rejection under 35 U.S.C. § 103**

The Office Action, on page 4, rejected claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Selitrennikoff et al. (U.S. Patent No. 6,209,089, hereinafter "Seli") in view of PL.

Claim 20 recites "said server preparing a plurality of kinds of data as the backed-up data, and said selecting one of the plurality of kinds of data to be installed in said client" (claim 20, lines 10-11). Therefore, it is submitted that claim 20 is patentable over Seli and PL, taken alone or in combination, for reasons similar to those discussed below with respect to claim 3.

Claim 21 recites "selecting one of a plurality of kinds of data prepared as backup data in said server" (claim 21, line 5). Therefore, it is submitted that claim 21 is patentable over Seli and PL, taken alone or in combination, for reasons similar to those discussed below with respect to claim 3.

The Office Action, on page 5, rejected claims 3, 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Gusler et al. (U.S. Publication No. 2002/0156965, hereinafter "Gusler").

Claim 3 recites "a plurality of kinds of data are prepared in said server as the backed-up data, [where] one of the plurality of kinds of data is selected".

The Advisory Action, on page 2, asserted that preparing, at said server, a plurality of kinds of data as backup data; and selecting one of the plurality of kinds of data to be install in the client are not novel (see page 2, lines 7-9 of Advisory Action). However, it is submitted neither Seli nor Gusler, taken alone or in combination, disclose, either expressly or implicitly the above mentioned feature.

Further, the Advisory Action asserted that column 2, line 65 – column 3, line 4 of Seli teaches that a new hard disk retrieves data that was on the original hard disk and column 9, lines 3-10 of Seli teaches that a server computer has an operating system chooser and an installation point that is a repository containing various device drivers and operating systems that may be selected and installed to support any of a number of new or replacement components (see page 2, lines 10-17 of Advisory Action).

The Advisory Action also asserted that paragraphs [0005] and [0006] of Gusler teaches backing up of selected data (see page 3, lines 1-3 of Advisory Action). Particularly, the Advisory Action asserted that most backup programs allow disk backup or selective backup of files based on a filed directory tree and a variety of file selection criteria.

However, it is submitted that neither Seli nor Gusler discloses, either expressly or implicitly, "*prepar[ing] in said server*" a plurality of kinds of data as the backed-up data. This is not surprising because Seli is merely concerned with a replacement hard disk that receives copies of information previously stored on the original hard disk (see column 2, line 65 to column 3, line 1 of Seli), instead of preparing in the server a plurality of kinds of data, as in claim 1. Further, Gusler is merely concerned with backing up data from all storage medias on a network into a *single storage*, separate from the server, to allow restoration if a file becomes corrupted, for example (see paragraph [0005] and Figure 1 of Gusler), instead of preparing in the server a plurality of kinds of data, as in claim 1. Therefore, neither reference discloses any type of preparation in the server, as in claim 3.

Further, nothing was found in PL that cures the deficiencies of Gusler and Seli as discussed above with respect to claim 3. Therefore, it is submitted that claim 3 is patentable over the Gusler, PL, and Seli, taken alone or in combination.

Claim 8 recites features similar to those in claim 3. Therefore, it is submitted that claim 8 is patentable over Seli, PL, and Gusler, taken alone or in combination, for reasons similar to those discussed above with respect to claim 3.

Dependent claim 11 is patentable over Seli, PL, and Gusler, taken alone or in combination, for at least the same reasons as base claim 3, from which it depends.

The Office Action, on page 8, rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez et al. (U.S. Patent No. 6,487,718, hereinafter "Rodriguez").

Claims 4 and 9 recite features similar to those in claim 3. Further, nothing was found or cited in Rodriguez that cures the deficiencies of Seli and PL, as discussed above. Therefore, it is submitted that claims 4 and 9 are patentable over Seli, PL, and Rodriguez, taken alone or in combination, for reasons similar to those discussed above with respect to claim 3

The Office Action, on page 11, rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez and Gusler.

Claim 12 depends from independent claim 4, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in Rodriguez that cures the deficiencies of Seli, PL and Gusler, as discussed above. Therefore, it is submitted that claim 12 is patentable over Seli, PL, Rodriguez and Gusler, taken alone or in combination.

The Office Action, on page 12, rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of Gusler and further in view of Cheffetz (U.S. Patent No. 5,133,065).

Claim 15 depends from independent claim 3, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in Cheffetz that cures the deficiencies of Seli and Gusler, as discussed above. Therefore, it is submitted that claim 15 is patentable over Seli, PL, Rodriguez and Gusler, taken alone or in combination.

The Office Action, on page 12, rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Seli in view of PL and further in view of Rodriguez and Cheffetz.

Claim 16 depends from independent claim 4, and, therefore, inherits the patentable features thereof. Further, nothing was found or cited in either Rodriguez or Cheffetz that cures the deficiencies of Seli and PL, as discussed above. Therefore, it is submitted that claim 16 is patentable over Seli, PL, Rodriguez and Cheffetz, taken alone or in combination.

Accordingly, withdrawal of the rejections is respectfully requested.

#### **New Claim**

New claim 22 has been added to emphasize "a storing unit storing a control file and an agent, said control file including a serial number of a hard disk of said client, backed-up data of said hard disk of said client, and control information for performing processes to install said

backed-up data to said client, and said agent performing installation processes to said client according to the control information included in the control file", which is not found to be disclosed, either expressly or implicitly, by the cited references. Therefore, it is submitted that new claim 22 is patentable over the cited references, taken alone or in combination.

New claim 23 recites "wherein a plurality of kinds of data are prepared in said server as the backed- up data, wherein said server comprises a unit selecting the kinds of data to install the selected one to said client". It is submitted that claim 23 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 23, as quoted above.

New claim 24 recites "a unit selecting the kinds of the backed-up data based on selecting operations of a management apparatus connected to said server through the network". It is submitted that claim 24 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 24, as quoted above.

New claim 25 recites "one kind of the backed-up data is backed-up data which was just previously installed from said server to said client". It is submitted that claim 25 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 25, as quoted above.

New claim 26 recites "one kind of the backed-up data is backed-up data including operating systems and programs which were installed at the time of initially setting said client". It is submitted that claim 26 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 26, as quoted above.

New claim 27 recites "one kind of the backed-up data includes programs which were installed at the time of initially setting said client, and said programs are ones which were updated before the replacement of said hard disk of said client". It is submitted that claim 27 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 27, as quoted above.

New Claim 28 recites "storing a control file and an agent in a storing unit, said control file including a serial number of a hard disk of said client, backed-up data of said hard disk of said client, and control information for performing processes to install said backed-up data to said client, and said agent performing installation processes to said client according to the control information included in the control file". It is submitted that claim 28 is patentable over the cited

references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 28, as quoted above.

New claim 29 recites "a plurality of kinds of data are prepared in said server as the backed-up data, wherein said method comprises selecting the kinds of data to install the selected one to said client". It is submitted that claim 29 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 29, as quoted above.

New claim 30 recites "selecting the kinds of the backed-up data based on selecting operations of a management apparatus connected to said server through the network". It is submitted that claim 30 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 30, as quoted above.

New claim 31 recites "one kind of the backed-up data is backed-up data which was just previously installed from said server to said client". It is submitted that claim 31 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 31, as quoted above.

New claim 32 recites "one kind of the backed-up data is backed-up data including operating systems and programs which were installed at the time of initially setting said client". It is submitted that claim 32 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 32, as quoted above.

New claim 33 recites "one kind of the backed-up data includes programs which were installed at the time of initially setting said client, and said programs are ones which were updated before the replacement of said hard disk of said client". It is submitted that claim 33 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 33, as quoted above.

New claim 34 recites "storing a control file and an agent in a storing unit, said control file including a serial number of a hard disk of said client, backed-up data of said hard disk of said client, and control information for performing processes to install said backed-up data to said client, and said agent performing installation processes to said client according to the control information included in the control file". It is submitted that claim 34 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 34, as quoted above.

New claim 35 recites "a plurality of kinds of data are prepared in said server as the backed- up data, wherein said method comprises selecting the kinds of data to install the selected one to said client". It is submitted that claim 35 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 35, as quoted above.

New claim 36 recites "selecting the kinds of the backed-up data based on selecting operations of a management apparatus connected to said server through the network". It is submitted that claim 36 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 36, as quoted above.

New claim 37 recites "one kind of the backed-up data is backed-up data which was just previously installed from said server to said client". It is submitted that claim 37 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 37, as quoted above.

New claim 38 recites "one kind of the backed-up data is backed-up data including operating systems and programs which were installed at the time of initially setting said client". It is submitted that claim 38 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 38, as quoted above.

New claim 39 recites "one kind of the backed-up data includes programs which were installed at the time of initially setting said client, and said programs are ones which were updated before the replacement of said hard disk of said client". It is submitted that claim 38 is patentable over the cited references, as nothing was found in the cited references that disclose, either expressly or implicitly, the feature of claim 38, as quoted above.

### **Summary**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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